

**Volusia County Department of Public Protection
Internal Affairs
Case number 2010-08-286
Bailey, H. Witness Interview**

August 26, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs

Howard Bailey, Division Fire Chief, Division of Fire Services

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemeyer: This is Captain Nikki Dofflemeyer with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is 26th of August 2010, the time is 1311 hours. We're conducting this interview with Mr. Howard Bailey at the Historic Courthouse located in DeLand Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Mr. Bailey is not the subject of the investigation. He is currently on-duty, has been released from service for the purpose of this interview. Howard can you identify yourself for the record please?

Bailey: Howard Bailey.

Dofflemeyer: Do you have a contact phone number?

Bailey: 386-527-1404.

Dofflemeyer: And who are you employed by Howard?

Bailey: Volusia County Government.

Dofflemeyer: And what position do you hold?

Bailey: Division Chief Fire Services.

Dofflemeyer: And how long have you been with Fire Services?

Bailey: Nineteen years.

Dofflemeyer: And what shift are you currently assigned to?

Bailey: C, today.

Dofflemeyer: What shift were you assigned to on June 2, 2010?

Bailey: C shift.

Dofflemeyer: Okay. Mr. Bailey has been advised that he is participating in an official administrative investigation for the Department of Public Protection. He understands I'll be asking him questions specifically directed and nearly related to the performance of his official duties. He is entitled to all rights and privileges guaranteed by the Constitution of the United States and the laws of the State of Florida, including the right not to be compelled and incriminate himself. He is further advised that if he refuses to testify or answer questions relating to the performance of his duties, it will be considered an act of insubordination, a violation of a direct order by a superior or competent authority. If you do answer, neither your statements, nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. Do you understand your Garrity rights?

Bailey: I do.

Dofflemeyer: Okay, do you also understand this is an active and open Internal Affairs investigation. At this time I'm going to direct you not discuss any part of this investigation with anyone other than somebody if you chose a representative until the case comes to closure. Do you understand?

Bailey: I do, yes.

Dofflemeyer: Do you understand this is a sworn statement?

Bailey: Yes.

Dofflemeyer: You do understand that in accordance with Merit Rules and Regulations and the Firefighter Bill of Rights that you have a right to have a representative present during this interview?

Bailey: I do.

Dofflemeyer: Okay, at this point you elect to have no representation?

Bailey: I do not.

Dofflemyer: Okay Howard if at any time during this interview you decide that you want representation, just advise will stop and allow you to gain representation.

Bailey: Okay.

Dofflemyer: You understand that this is a sworn statement that's being recorded?

Bailey: Yes.

Dofflemyer: Okay, raise your right hand for me. Do you solemnly swear or affirm that the statement that you are about to give is the truth, the whole truth, and nothing but the truth so help you God?

Bailey: Yes I do.

Dofflemyer: Okay. We're going to discuss, Howard, on 6/2/2010, there was an exchange of medication at the fire stations, I think it was removable of a scheduled IV narc, scheduled IV controlled substance, Lorazepam. And it was exchanged at the stations on the 2nd of June. And you become involved because you were notified by somebody of the exchange, can you tell me ah what information you received and how you received that information?

Bailey: On ah, June 3rd, the following day, Commander Inglett, Quad 2, Battalion 20, had notified me via email. I want to say it was probably around lunch time, ah, I'd have to look at the email to be precise. But in that email he had some dialogue with Carl Laundrie who's a B shift, I saw some comments in some trails of email there and then in Commander Inglett's email he spelled out some concerns that he had and ah, you know, based on some of his writings and past experience with EMS, ah, everything kind of made sense to were, were he was, where he was relative to what happened and whether it was appropriately done or not. So, I concurred with his statements and concerns that he had in there and I had forwarded that same day to Deputy Chief Weaver, our supervisor in Operations. His and mine concurrence, concerns ah, with the event that had taken place on the previous shift.

Dofflemyer: Okay, you said Mike Inglett forwarded you some concerns he had?

Bailey: Yeah.

Dofflemyer: Tell me about the concerns. What was documented?

Bailey: Well without getting into the terms and milligrams and, and laws, you know segments that he quoted in there, basically he picked up a narcotic ah, and possessed it and took it away from the station without following proper procedure.

Dofflemeyer: Who is this?

Bailey: Captain Rawlins, Logistics Division.

Dofflemeyer: Okay. What detail, what ah, did you read the email.

Bailey: Yeah back then yes.

Dofflemeyer: Okay, tell me, tell me in detail what you remembered from that email.

Bailey: Ah,

Dofflemeyer: Do you know what station that the medication was picked up from?

Bailey: No, I know it was multiple stations. Any station that day and to be perfectly honest, the quantity I couldn't tell you without looking at the email. But I can tell you when we do a drug, expiration drug they'll go to all the ALS stations and deplete what was there, waste it and give them the new drug. But in this case the drugs were picked up, he told them to put it into the Sharps container un-tampered unwasted, which is a violation of what our normal practice. So, that caused concern I'm sure at every station location that this took place. And again I just can't cite to you every station, ah, without looking at the logs but, so he picks this stuff up, puts it in the Sharps container, ah, unwasted and then removes it. and it wasn't until a later time that that we discovered once it was all picked up that it was dropped off in its entirety, allegedly placed on a bio-box at Station 42, sitting on top of it. So whether or not there is other stuff in there what meds he picked up, don't know, but ah, that was alleged, that was the location of it. So picked up, unwasted, put in a box and then delivered for bio-hazard.

Dofflemeyer: What, what is proper protocol?

Bailey: For at the station, medic to medic, when I, when we, when we either transfer the keys, transfer shift, we sign over those, those narcotics. In this case Roy would have had the firefighter paramedic, firefighter lieutenant witness the wasting of the drugs in front of him and taken that discarded container and, and dispose of them in the Sharps container.

Bailey: And that's all signed for and witnessed during that so whether, whether it was expired and taken by him or expired and wasted by on-coming shift, that there's a trail there. So the difference being here based on what I believe happened by the email trail was he just took it. Now, ah, I'm not completely aware of some of the things may have been written in log. I believe some people just signed it out as if it has been wasted. So that was a big concern.

Dofflemyer: So...

Bailey: And from the supervisory stand point you would label that a falsification of documentation, because if, if I was told to sign that I wasted this and I watch it walk out the door, there's concerns there. And I think that was the concern probably from, from Laundrie saying hey he wanted me to sign that I've wasted this, this drug and that's not the case.

Dofflemyer: Do you know if Firefighter Laundrie signed any forms?

Bailey: Ah,

Dofflemyer: Any discussion?

Bailey: I want to say I'm aware of just basically at this point of knowing he had created email, said that he was advised to do it. What he noted or didn't note on there, but I think he made record of it. Now whether or not he wrote something in that log as well as the email, I have not put my eyes on that narc log.

Dofflemyer: Okay.

Bailey: But obviously it's there for review. And I want to say part of the email or some of the discussion that's taken place was that he noted on there that it was picked up, that it wasn't wasted, but I can't confirm that. I've never seen it.

Dofflemyer: Okay, so there's documentation, any time that ah, a medication is wasted, you document that the medication was wasted.

Bailey: Correct. It's got to be witnessed.

Dofflemyer: And it has to be witnessed. So it has to be two parties present.

Bailey: Correct. Now and I don't know if this is a follow, an additional question later, but I do know that I guess after these concerns had been floated and started to get out there, ah, it's my understanding that Roy returned to Station 42, the number two days seems to be a popular time frame, went back retrieved that box, and which was still there luckily. And Lieutenant Huber at 42 was then a witness to the discard of whatever was in the box.

Dofflemyer: Who was that again?

Bailey: Lieutenant Paramedic Huber.

Dofflemyer: Okay.

Bailey: So ah, he I believe was part of it. But not to sound elusive, I just there's gap in there.

Dofflemyer: Sure.

Bailey: I, I can't fill in.

Dofflemyer: Have you personally spoke with Firefighter Laundrie?

Bailey: No.

Dofflemyer: Okay, do you know what station he's assigned to?

Bailey: 23 B, which makes sense if Mike.

Dofflemyer: And you were originally made aware of the events by Mr. Inglett?

Bailey: I was, I was made in writing with Inglett. I can't remember ah, to tell you the truth ah, if there was any dialogue at shift briefing or something that you know, you know sometimes we'll ah, during briefing I heard this, I heard that, heard this and we go out and fact truth. I just can't honestly put together that was there. Other, the only thing I know I can put my hands on I being notified officially, which obviously at this point I'm really happy that happened and it's suppose to happen that way. When we have a concern you know we feed it up the food chain.

Dofflemyer: And once you became aware ah, of the situation, you contacted Chief Weaver is that correct?

Bailey: Actually I just turned around and emailed. I never did make a phone call to her. I just, you know I possess this information in writing and I wanted to pass this information in writing on exactly like I got it. Instead of verbally trying to ah, you know explain what took place, it was better that I just forward that in its entirety.

Dofflemyer: Any conversation with her about...

Bailey: I don't...

Dofflemyer: the series of events?

Bailey: I don't believe we had any conversation.

Dofflemyer: Did she confirm...

Bailey: After that...

Dofflemyer: receipt of that message or respond back to you?

Bailey: I don't recall. I can do an email search if you want and, and...

Dofflemyer: That would be great.

Bailey: and let you know personally. Okay, thanks or whatever, I mean I don't know.

Dofflemyer: Okay, great any conversation with anybody else?

Bailey: Ah, I ah, I'm thinking out loud here, I may or may not have ah, shared with one of my fellow divisions, the issue and whether or not there was any out come on that. So I guess that would be B shift and I couldn't tell you honestly if I said hey Paul what was done with that stuff with Kamine, I don't know that that took place.

Dofflemyer: How do you know, how did Kamine come involved?

Bailey: Ah, he's our, he's our lead, I want to say he's our EMS manager, but he's definitely at that point was our lead person for EMS issues and ah, time frame is just ah, is not clicking for me but there, there is a point where he was actually working ah for Deputy Chief Pocica, but yet working in Operations and still would report to Deputy Chief Pocica for issues. So ah, there's some overlap of time for me but obviously ah, somebody ah, made him aware and ah, without looking at the email, I don't even know if he was CC.

Bailey: That's something that just has to be looked at but ah, he was contacted as the, as our EMS guy. Ah, and that, those issues were there and I believe he had put together some type of report and had given it to Chief Pocica.

Dofflemyer: Okay.

Bailey: I haven't, sorry go ahead.

Dofflemyer: Have you had any conversation with Chief Pocica yourself?

Bailey: Don't believe so.

Dofflemyer: Okay.

Bailey: I don't believe so. And I just probably important I don't know let I've even seen the report that Kamine had put together or didn't put together.

Dofflemyer: Okay. What's Roy Rawlins position within Fire Services?

Bailey: Captain of Logistics. He's ah responsible for a lot of things within Logistics. Duties of the day I guess. But ah, part of his responsibilities though because the narcotics are located along with the EMS supplies at the Logistic Center, he, he ah most of the time has that responsibility of getting that expired meds out there and he, he helps us out in Operations by getting that delivered out to the battalions or going to the stations and helping out so we don't have to go pick it up.

Dofflemyer: Any conversation with Roy at all about these series of events?

Bailey: No. I don't think we've spoken a word about it.

Dofflemyer: Any email exchanges about the series of events?

Bailey: No. No, yeah that's just you know with that type of event that took place it was just appropriate to pass it up and not try to go down with it.

Dofflemyer: You said the drugs were left at Station 42?

Bailey: I've been told that, yes, in a Sharps container, protected box. It wasn't like they were out there. But the way it was described to me that they were on top of a bio-box. We sub-contract with a company to come and pick up our bio-bags.

Dofflemyer: Is it a violation of protocol to leave the drugs unattended?

Bailey: Yeah, from the beginning it was, I don't know what he was.

Dofflemyer: So ah, you made became aware, you believe on 6/3?

Bailey: Yeah.

Dofflemyer: And you were made aware by Mike Inglett?

Bailey: Correct via email.

Dofflemyer: When did you send email to Chief Weaver?

Bailey: Same day, I might have, I might have read that and kind of digested it. So I'm not quite sure of the time frame between getting it and forwarding it. but I believe it was the same day for sure. But just not sure if it was one of those things that I digested a little bit or not.

Dofflemyer: And the report that you got from Mike Inglett.

Bailey: Ah hum.

Dofflemyer: Is this the report that you received from him? Is that the type of report that you received from him? Have you seen that report before?

Bailey: Is this a,

Dofflemyer: Did Mike send you email or did he call you?

Bailey: No, he sent me an email but the format I'm looking at. Is this something that's been clipped and pasted or this doesn't look like a familiar form to me.

Dofflemyer: Okay.

Bailey: But the language.

Dofflemyer: But you didn't see, you haven't seen that?

Bailey: This might be a little bit different. Ah, I can do you mind if I forward you all the emails that I.

Dofflemyer: I'd appreciate that.

Bailey: know that I have.

Dofflemyer: Just to make sure that we have them all in the file.

Bailey: Just ah,

Dofflemyer: But you were notified from Mike Inglett via email.

Bailey: Yes.

Dofflemyer: Of the, the situation.

Bailey: Yes. It, it just structurally the way it's laid out, excuse me for the cough. Cause I think he cited some more (inaudible). There was some more, I think there was some different type of language. So I'm not sure if that's some correspondence with the troops. You know with the working people saying hey this occurred, we can't be doing this, you know trying to do the managerial side of that. But I for sure I know that one email had came to me from him that may or may not have included some Laundie language on the bottom that I forwarded.

Dofflemyer: Okay, and you forwarded directly to Chief Weaver.

Bailey: Yes.

Dofflemyer: Okay. Is there any other time that you know of that, that this has taken place where protocol wasn't followed and the drugs were left unattended, a controlled substance? Has this been a common practice that's happened before that you know of?

Bailey: Well, no this is an odd and with Roy he's pretty sharp. So I don't know what this is an odd thing. But when you ask me that question, I'm a little guarded in the sense that there are things that from a discipline standpoint that are being worked on, that have hints of similarities. So there are some things that, that are there.

Dofflemyer: Okay.

Bailey: But the day to day practice it's taboo. I mean that is everybody, we're very ah, we try to be very strict about making sure there's signatures there. When that paramedic comes on if they don't sign those signatures, we've given discipline for failure to sign out as a medic to sign out, because it's that important.

Dofflemyer: Okay.

Bailey: And where we've had cases in the past but there, there few. But this is unique in the sense that it's not just the passing of the log book and the drugs to the next shift. It's he picked up assembled a quantity of this product and walked, you know, and went away with it. And then stored it in a place that could have been...

Dofflemyer: And Mike Inglett made you aware that he directed people to sign a log indicating they wasted an item that wasn't wasted?

Bailey: Yes concerns with how it happened, yeah because I would imagine Mike didn't have all the facts when he started typing on that email. What he got and I'm guessing is an earful at shift exchange from the previous shift. So I don't know if he got one phone call, ten phone calls or if was just Station 23 chatter, cause Laundrie happens to work B shift 23. Mike comes on C shift 23, so I imagine there was some chatter going on that morning about the issue. He heard enough, typed it up, sent it to me.

Dofflemyer: Okay. Is there anything that I haven't asked you Howard that you think I need to know?

Bailey: No, I just ah, I guess I'm cautious that sometimes those bits and pieces of chatter that go, that I might not ah, have mentioned and you know if there, if something comes up obviously I want you to call me. And I would be happy to come back in the same environment and verify but, I want to make sure my homework rights. The two emails that I think exist, well I know that exist, I'll forward to you. Ah, and I'll do, I was going to do, excuse me, a search on something I said if there was something else.

Dofflemyer: Ah, to see if Chief Weaver responded back to you.

Bailey: Oh, to see if Chief Weaver responded back. So I'll, I'll take care of those three items today.

Dofflemyer: Okay, I appreciate that.

Bailey: And then of course at any time call, but ah, I believe that, that's it.

Dofflemyer: Alright, then we are going to ah, end the interview and officially go off the record at 1330 hours.

(Tape recording devices off)

(Tape recording devices on)

Dofflemyer: It's Captain Dofflemyer we're still with Mr. Howard Bailey and we're still at the Historic Courthouse. We're going back on the record for some information that's just come to light. It is 1334 hours, Howard can you tell me, ah, any conversation with, with any other parties about this particular situation with a Mr. Rawlins?

Bailey: I was ah, in a conversation with Mr. Pozzo and ah, had some discussions relative to some issues that were out there pending and follow up and one of them was with Mr. Rawlins, I had asked him, told him, made him aware of the you know that I had been told that ah, Mr. Rawlins had been given a ah, counseling slip for ah, an issue that took place which we've talked about. Because there had been some chatter, well whatever happened with Roy and with, with the issue of the meds and 42. So I, he asked me to further explain and I guess, same as during this conversation I had spotted, you know information on the issue and just indicated to him from the way I understood it, as I already described. Ah, he gave me the impression he did not know about the issue and he said that he would look into it and ah, I might have even said hey you know the intent isn't here to, to you know push an issue that's already been dealt with as much as it is. There's some concern out there that it hadn't been dealt with. So ah, he said that ah, that he would look into it and ah, that was the crux of it. Basically ah, me bringing it up and him giving me the impression that he had not been aware of it.

Dofflemyer: Do you remember who that conversations with ah what date you talked with Chief Pozzo?

Bailey: Ah, probably within the last week. It might have happened on a Tuesday even though it was or wasn't my shift. Off the cuff.

Dofflemyer: Ah hum.

Bailey: It might have been within the last ten days.

Dofflemyer: Okay.

Bailey: So the Tuesday before last.

Dofflemyer: Okay.

Bailey: It might have been, after the meeting we talk about some just general issues, ah, going on in Operations and I brought that up to his attention.

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Dofflemyer: Okay, alright, very good. Alright, then we're going to go back off the record. It is ah, ah, 1336 hours.

(Tape recording devices off)